

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ROBERT HEATHER,

Defendant.

8:07CR323

ORDER

This matter is before the court on the defendant's motion to continue trial [19]. The court's calendar can accommodate the requested extension and, for good cause shown, the court finds that the motion should be granted.

IT IS ORDERED that the motion [19] is granted, as follows:

1. The trial of this matter is continued to **February 5, 2008**.
2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **January 16, 2008 and February 5, 2008**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).
3. Defendant shall file an affidavit or declaration regarding speedy trial in accordance with NECrimR 12.1 and/or 12.3 no later than **January 15, 2008**.

DATED December 19, 2007.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge